

REMARKS/ARGUMENTS

These Remarks are responsive to the Non-Final Office Action mailed February 28, 2006 (“Non-Final Office Action”) and Interview Summary dated May 24, 2006.

Initially, Applicants appreciate the time allocated by Examiner Salad for conducting the Examiner Interview on May 24, 2006 to discuss the status of the above-referenced application. During the Examiner Interview, an agreement was reached to incorporate the ONIX code limitation of the preamble of independent claim 1 and to tie this limitation to rest of the steps of the body of the claim. Interview Summary, page 1. During the Interview, the Examiner acknowledged that the discussion of claim 1 was representative of each of the independent claims that also contained this ONIX code limitation in the preamble. According to page 1 of the Interview Summary, Examiner Salad acknowledged that the incorporation of this limitation to the body of each of the independent claims would “overcome the prior art of record.”

Accordingly, Applicants have amended independent claims 1, 7, 12, and 14 to incorporate the aforementioned ONIX code feature in the body of the claim as agreed upon by Examiner Salad. Moreover, Applicants have cancelled dependent claims 6 and 11 and included these limitations in the independent claims in order to tie more clearly and incorporate the ONIX code feature to the steps of the body of the independent claims as suggested by Examiner Salad. Therefore, Applicants respectfully request reconsideration of the rejections of claims 1-2, 4-7, 9-19, and 21 for at least the following reasons.

STATUS OF THE CLAIMS

Claims 1, 2, 4-5, 7, 9-10, 12, 14-19, and 21 are currently pending in the present application. Claims 1, 2, 4-7 and 9-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hatakeyama in view of Gourlay. Claims 14-19 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hatakeyama and Gourlay in view of Chen. Claims 6, 11, and 13 have been cancelled

without prejudice. Claims 1, 7, 12, and 14 have been amended by this response. Reconsideration of the outstanding rejections is respectfully requested.

REJECTIONS OF CLAIMS 1, 2, 4-7 and 9-13 UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 4-7 and 9-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hatakeyama in view of Gourlay.

The Examiner's rejection alleges that the limitation "descriptor that comprises an ONIX code" in the preamble was "not given patentable weight" because it was allegedly directed to "the purpose of a process or the intended use of a structure." Office Action, page 2, paragraph 2. Applicants respectfully disagree. The limitation that the descriptor "comprises an ONIX *code*" is a structural limitation that is not directed to the purpose of a process or the intended use of a structure as the Examiner has alleged (emphasis added).

However, for the purpose of expediting prosecution, as agreed upon with the Examiner during the aforementioned Interview on May 24, 2006, Applicants have deleted this limitation from the preamble and incorporated it into the body of the independent claims. Furthermore, as mentioned above, claims 6, 11, and 13 have been cancelled without prejudice and independent claims 1, 7, 12, and 14 have been amended to include the features previously recited in claims 6 and 11 and the ONIX code features previously recited in the preamble to further recite that "launching a request for content ... comprising: launching the request with a request payload containing one or more instructions on what to locate in the descriptor, *wherein the descriptor comprises an ONIX code descriptor and the at least one node further comprises a receiver for receiving the request and identifying an adjacent node from which the request is received; comparing the request payload to the ONIX code descriptor of the content stored at the at least one node; and when the request payload matches the ONIX code descriptor, forwarding the content with the matching ONIX code descriptor to the adjacent node...*" Support for the amendment is found in the

specification, page 11, line 18 – page 18, line 6. More specifically, “according to one embodiment of the present invention...the standard for describing content is ONIX (see <http://www.editeur.org>). This standard is based on XML and uses codes to indicate what attribute of the content is being described.” Specification, page 12, lines 7-13. Moreover, the specification states that the ONIX-coding scheme “is quite comprehensive and covers everything from keywords to rights of use. Codes can be added for a broader us in the content network.” Specification, page 13, lines 1-4. Here, a website, <http://www.editeur.org>, is provided for additional information and examples regarding the use and application of ONIX and is not intended to be incorporated by reference. Thus, no new matter was added. Applicants respectfully submit that neither Hatakeyama, Gourlay, nor their combination disclose at least this feature. For at least this reason, Applicants respectfully submit that the asserted rejections are improper.

Additionally, Applicants respectfully submit that one of ordinary skill in the art at the time the invention was made would not have been motivated to combine the disclosures of Hatakeyama and Gourlay. Hatakeyama is directed to “selecting an optimum path in a network.” Col. 1, lines 8-11. On the other hand, Gourlay is related to content routing service protocol to provide distributed Layer 7 switching in a computer network. Col. 1, lines 6-10. Applicants respectfully submit that one of ordinary skill in the art of path optimization would not look to a disclosure related to content routing protocol to find path optimization solutions. For at least the above reasons, Applicants respectfully submit that the obviousness rejections of claims 1, 2, 4-7 and 9-13 are improper and request that they be withdrawn.

REJECTIONS OF CLAIMS 14-19 and 21 UNDER 35 U.S.C. § 103(a)

Claims 14-19 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hatakeyama and Gourlay in view of Chen.

Claims 14-19 and 21 contain the same features discussed above in connection with claims 1, 2, 4-5, 7, 9-10, and 12. Therefore, the same arguments regarding the deficiencies of Hatakeyama and Gourlay apply. Chen is relied upon to allegedly disclose "a system for propagating of routing update messages to neighboring nodes." Office Action, p. 11. Therefore, Chen fails to repair the deficiencies of Hatakeyama and Gourlay with respect to the above described claim features. Applicants respectfully submit that the rejections of claims 14-19 and 21 are improper for at least these reasons and respectfully request that the obviousness rejections be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

No fee is believed necessary in connection with the filing of this Response.
However, if it is determined otherwise, the Commissioner is hereby authorized to charge
or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: 5/30/06
Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

By:


George Y. Wang
Registration No. 58,637

For: Christopher Cuneo
Registration No. 42,450